

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|--|---|---------------------|
| <b>KENYA MILLER, individually, and as<br/>p/n/g of TROY ALLEN,</b> | : | <b>CIVIL ACTION</b> |
| <b>Plaintiff,</b>  | : |                     |
| <b>v.</b>  | : | <b>NO. 10-6915</b>  |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>MICHAEL O'NEILL, Badge #243698 and</b>                          | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>MICHAEL RAKAY and</b>   | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>LAZARDE and PHILADELPHIA</b>                                    | : |                     |
| <b>POLICE OFFICER WEBB Badge #4062</b>                             | : |                     |
| <b>and PHILADELPHIA POLICE OFFICER</b>                             | : |                     |
| <b>MURRAY Badge #6649 and</b>                                      | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>BLAKE Badge #4321 and</b>                                       | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>ROSENBAUM Badge #9463 and</b>                                   | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>DEMPSEY Badge #1577 and</b>                                     | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>PONE Badge #6978 and</b>  | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>FEENEY Badge #3444 and</b>                                      | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>WELCH Badge #3966 and</b>                                       | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>BEDNARZ Badge #7736 and</b>                                     | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>AMMOUNE Badge #4509 and</b>                                     | : |                     |
| <b>PHILADELPHIA POLICE OFFICER</b>                                 | : |                     |
| <b>MORRING Badge #7619 and THE CITY</b>                            | : |                     |
| <b>OF PHILADELPHIA,</b>  | : |                     |
| <b>Defendants.</b>   | : |                     |

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**O R D E R**

AND NOW, this 21st day of March, 2013, upon consideration of Defendants' Motion for Summary Judgment (Document No. 19, filed August 13, 2012) and Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment (Document No. 22, filed August 31, 2012), for the reasons set forth in the Memorandum dated March 21, 2013, **IT IS ORDERED** as follows:

1. Defendants' Motion for Summary Judgment, treated as a motion for partial summary judgment, is **GRANTED** by agreement as to defendant Philadelphia Police Officers: Webb, Blake, Murray, Pone, O'Neill, Ammoune, Welch, Bednarz, Feeney, and Morring.
2. Defendants' contested motion for partial summary judgment as to the City of Philadelphia is **GRANTED**.
3. All claims against defendant Philadelphia Police Officer Michael Rakay are **DISMISSED WITH PREJUDICE** by agreement.

**IT IS FURTHER ORDERED** that plaintiff's claims shall proceed against the remaining defendants: Philadelphia Police Officers Lazarde, Rosenbaum, and Dempsey. By reason of the forgoing, the caption of the case is amended to read as follows:

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|---|----------|---------------------|
| <b>KENYA MILLER, individually, and as</b> | <b>:</b> | <b>CIVIL ACTION</b> |
| <b>p/n/g of TROY ALLEN,</b>               | <b>:</b> |                     |
| <br><b>Plaintiff,</b>                     | <b>:</b> |                     |
| <br><b>v.</b>                             | <b>:</b> |                     |
| <br><b>PHILADELPHIA POLICE OFFICER</b>    | <b>:</b> |                     |
| <b>LAZARDE and PHILADELPHIA</b>           | <b>:</b> |                     |
| <b>POLICE OFFICER ROSENBAUM Badge</b>     | <b>:</b> |                     |
| <b>#9463 and PHILADELPHIA POLICE</b>      | <b>:</b> |                     |
| <b>OFFICER DEMPSEY Badge #1577,</b>       | <b>:</b> |                     |
| <br><b>Defendants.</b>                    | <b>:</b> |                     |

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**IT IS FURTHER ORDERED** that a scheduling conference by telephone will be convened in due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

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**JAN E. DUBOIS, J.**